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SINGLE BENCH

**IN THE HIGH COURT OF JUDICATURE AT
BILASPUR (C.G.)**

W.P. NO. /2005

PETITIONER

Sant Ram
Aged about 50 years
S/o. Balduram Satnami
R/o. Village Bhothidih
P.S. Nawapara, Tahsil
Abhanpur, District. Raipur
(C.G.)

VERSUS

RESPONDENTS

1. Reklam Sahu
S/o. Bharat Sahu,
R/o. Village Murla, P.S.
Nawapara, (Rajim), Tahsil
& Nawapara, District Raipur
(C.G.)
2. Chhabiram Sahu
Aged about 42 years
S/o. Ramdayal
R/o. Village Bhothidih
P.S. Nawapara, Tahsil
Abhanpur, District Raipur
(C.G.)
3. Vinay, S/o. Santram Satnami
R/o. R/o. Village Bothidih,
P.S. Nawapara (Rajim),
Tahsil Nawapara, District
Raipur (C.G.)

3929/bt
Presented by Shri Abhijeet
dated. 10-8-05

**WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA**

मामला क्रमांक W.P. 3813 / सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	22-8-2005 Heard Mr. Raghavendra Pradhan, counsel for the petitioner, on admission. The petitioner has preferred this writ petition under Article 227 of the Constitution of India, being aggrieved by order dated 20th July, 2005, passed by the 11th Additional District Judge, Raipur, whereby the executing Court i.e. the learned 11th Additional District Judge has rejected the application of the petitioner for staying the execution proceedings. Brief facts leading to filing of this writ petition necessary for its disposal are that an ex-parte decree was passed by the 5th Additional District Judge against the petitioner in a suit filed by respondent No.1 and thereafter, the Execution Case was filed by respondent No.1 and the same is pending before the 11th Additional District Judge. The petitioner's case is that he has filed an application for setting aside the ex-parte decree which is pending before the 10th Additional District Judge, Raipur. Therefore, the execution be stayed. However, the executing Court has rejected the prayer of the petitioner stating that the petitioner ought to have obtained the stay from the Court where the application for setting aside the ex-parte decree is pending and previously, twice the application has been rejected.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3813 / सन् 2005

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Soma	In the circumstances, I do not find any illegality or infirmity in the order impugned so as to exercise the extra ordinary jurisdiction under Article 227 of the Constitution of India. The petition is therefore, liable to be dismissed and it is accordingly, dismissed, at the admission stage itself. Consequently, M.(W.)P.No.3206/2005 & I.A.No.7132/2005 stand disposed of.	Sd/- L.C. Bhadoo Judge